

SCHEDULE 1

FUNCTIONS OF THE NATURAL RESOURCES BODY FOR WALES

12. In article 11, for paragraphs (2) to (4) substitute—

“(2) The power in paragraph (1) may also be exercised by the Secretary of State for the purpose of directing the Body as to the exercise of its relevant transferred functions, where the direction—

- (a) would have any effect in England; or
- (b) relates to water resources management, water supply, rivers or other watercourses, control of pollution of water resources, sewerage or land drainage, and would have any effect in the catchment areas of the rivers Dee, Wye and Severn.

(3) The Welsh Ministers or the Secretary of State may give the Body general or specific directions for the implementation of any EU obligation or international obligation of the United Kingdom.

(4) Except in an emergency, the power to give a direction under this article may be exercised only after consultation with the Body.

(5) The Welsh Ministers may give a direction falling within paragraph (2) only after consulting the Secretary of State.

(6) The Secretary of State may give a direction under this article only after consulting the Welsh Ministers.

(7) Any power of the Welsh Ministers or Secretary of State to give directions to the Body under any other enactment is without prejudice to their powers to give directions under this article.

(8) In this article, “relevant transferred functions” (“*swyddogaethau trosglwyddedig perthnasol*”) means any functions which—

- (a) were exercisable by the Environment Agency before 1 April 2013; and
- (b) are functions of the Body by virtue of the Natural Resources Body for Wales (Functions) Order 2013,

but this is subject to paragraph (9).

(9) For the purposes of the definition of “relevant transferred functions” (“*swyddogaethau trosglwyddedig perthnasol*”)—

- (a) a function of the Environment Agency was exercisable before 1 April 2013 whether or not the enactment conferring it had come into force before that date; but
- (b) a function is only a relevant transferred function when the enactment conferring the function has come into force.”